

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 9-20 are presently active in this case. The present Amendment amends Claim 1; and adds Claims 17-20.

The outstanding Office Action objected to the specification because of informalities. Claims 9-16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 9-16 were rejected under 35 U.S.C. § 102(b) as anticipated by Neuerburg et al. (U.S. Patent No. 6,349,529).

Initially, Applicant respectfully requests that the references AO, AP, AQ and AR cited in the Information Disclosure Statement filed January 18, 2006 be acknowledged as having been considered in the next Office Action. These references are crossed out on the Form 1449 included in the Office Action, which includes the notice “no copies provided.” Applicant notes, however, that the January 18, 2006 filing receipt stamped by the Office indicates that four copies of references were filed. Further, PAIR shows that the copies of the four references.

In response to the objections to the specification, the specification is amended to include the appropriate sub-headings. In light of their formal nature, the changes to the specification do not raise a question of new matter.

In response to the rejection under 35 U.S.C. § 112, second paragraph, independent Claim 9 is amended to correct the noted informalities. Specifically, Claim 9 is amended to specify that the “hydraulic cylinder” recited in Claim 9 is the “*first*” hydraulic cylinder, while Claims 13-14 already recite a “second” hydraulic cylinder. The other “cylinder” recited in Claim 9 (ref 17 in the drawing) is *not* a hydraulic cylinder. Instead cylinder 17 is a cylinder with a floating piston. See specification at page 6, lines 9-12. Thus, Claim 9 is not amended

to refer to this cylinder as the "second" cylinder, as suggested by the Office Action. Instead, Claim 9 is amended to refer to this cylinder as a "floating piston" cylinder in order to more clearly distinguish it from the first and second *hydraulic* cylinders. In view of amended Claim 9, it is believed that all pending claims are definite and no further rejection on that basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

In order to further clarify the claimed mower, Claim 9 is amended to specify that the hydraulic circuit is configured to inject from the first chamber of the floating piston cylinder an additional quantity of oil into the first hydraulic cylinder of the lightening device to bring the cutting mechanism from the working position into the maneuvering position, and to the hydraulic circuit is configured to extract *the additional* quantity of oil from the first hydraulic cylinder *into the first chamber of the floating piston cylinder* so as to bring the cutting mechanism from the maneuvering position into the working position. These features find support in the disclosure as originally filed, for example at page 7, lines 7-39 and at page 8, lines 1-5.

In order to vary the scope of protection recited in the claims, new dependent Claims 17-20 are added. New Claims 17-20 find non-limiting support in the disclosure as originally filed, for example at page 6, lines 15-16 and Figs. 1-4. Therefore, the changes to the claims are not believed to raise a question of new matter.<sup>1</sup>

In response to the rejection of Claims 9-16 under 35 U.S.C. § 102(b), and in light of the present Amendment, Applicant respectfully requests reconsideration of this rejection and traverses the rejection, as discussed next.

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<sup>1</sup> See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

Briefly recapitulating, Applicant's invention, as recited in amended Claim 9, relates to a mower including a hitching structure configured to be connected to a motor vehicle; a cutting mechanism; a carrier beam connected to the hitching structure; a maneuvering device configured to bring the cutting mechanism from a working position to a maneuvering position, and vice versa. Further, a lightening device is configured to transfer at least a part of the weight of the cutting mechanism onto the hitching structure, the lightening device including a first *hydraulic* cylinder (e.g., ref 12 in Figs. 1-6) configured to exert an upward torque on the cutting mechanism. The maneuvering device also includes a *floating piston* cylinder (e.g., ref 17 in Fig. 5-6) whose interior is divided into first and second chambers *by a floating piston*. The first chamber is connected to the first hydraulic cylinder by a second pipe and the second chamber is connected to a hydraulic circuit of the motor vehicle by a third pipe. The hydraulic circuit is configured to inject *from the first chamber of the floating piston cylinder an additional quantity* of oil into the first hydraulic cylinder of the lightening device to bring the cutting mechanism from the working position into the maneuvering position. The hydraulic circuit is further configured to extract this additional quantity of oil *from the first hydraulic cylinder into the first chamber of the floating piston cylinder* so as to bring the cutting mechanism from the maneuvering position into the working position.

Turning now to the applied prior art, the Neuerburg et al. patent discloses an agricultural machine with a hitching structure connected to a motor vehicle. A *hydraulic* cylinder (operating ram 24) is connected on the one hand to the hitching structure 3 and, on the other hand, to a draft rod 20. In the work position, the hydraulic cylinder 24 extends approximately vertically. See column 6, lines 13-19 and Fig. 1. A second *hydraulic* cylinder 34 allows the cutting mechanism 31 to be brought from a transport position into a work position or vice versa and a third *hydraulic* cylinder 46 allows said cutting mechanism 31 to

be lightened in the work position. See column 7, lines 38-42 and 53-54 and Fig. 4. The relatively complex relationship between these three hydraulic cylinders is shown in Fig. 7.

The Office Action identifies the ram 24 as corresponding to the claimed floating piston cylinder. Applicant respectfully submits, however, that the ram 24 is *not* a floating piston cylinder. Instead, ram 24 is a hydraulic cylinder. If ram 24 was a floating piston cylinder, it could not perform its intended function of pushing up the cutting mechanism 31 in the intermediate position. See e.g., Fig. 4.

Further, the ram 24 and the hydraulic circuit shown in Fig. 7 are not configured as required by Claim 9. Specifically, the Neuerburg et al. hydraulic circuit is *not* configured to inject from the first chamber of the ram 24 an additional quantity of oil into a first hydraulic cylinder to bring the cutting mechanism from the working position into the maneuvering position, nor is it configured to extract this additional quantity of oil from the first hydraulic cylinder into the first chamber of the ram 24 so as to bring the cutting mechanism from the maneuvering position into the working position, as required by amended Claim 9. Therefore, the prior art fails to disclose every feature recited in Applicant's claims, so that Claims 9-20 are not anticipated by the prior art. The Neuerburg et al. patent also fails to disclose the features of the dependent claims, in particular new Claims 17-20. Accordingly, Applicant respectfully traverses, and requests reconsideration of, the 35 U.S.C. § 102 rejection based on the Neuerburg et al. patent.<sup>2</sup>

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 9-20 is earnestly solicited.

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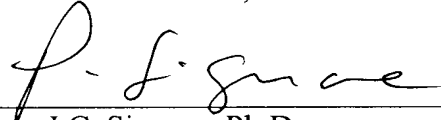
<sup>2</sup> See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Application No. 10/564,970  
Reply to Office Action of October 30, 2007

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in cursive script, appearing to read "P. J. Signore", written over a horizontal line.

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